

## REMARKS

### Election/Restrictions

Applicants affirm the election without traverse to prosecute the invention of Group I, claims 1-3.

### 35 U.S.C. § 102(b)

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as anticipated by French reference No. 1,467,950. This rejection is respectfully traversed for the following reasons.

FR '950 is held to disclose a flexible hose comprising a flexible material and a reinforcing rod with the hose formed with flexible terminal ends wherein the rod has a terminal end located short of the terminal end of the flexible material.

In order for a reference to fully anticipate a claim under 35 U.S.C. § 102, the reference must disclose each and every element of the claimed invention. Claim 1 recites that the reinforcing rod is positioned externally of the outermost layer of the flexible material. In FR '950 the pipe is a three layer pipe: an innermost rubber pipe 1, a metal wire 2, and a sheath of polyvinyl chloride 3. The reinforcing wire 2 is not positioned externally of the outermost layer of the material as recited.

As the French reference '950 fails to disclose each and every aspect of the claimed invention, it is respectfully requested that this rejection be withdrawn.

### 35 U.S.C. § 103

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over French reference '950. This rejection is respectfully traversed for the following reasons.

The imprinted indent of claims 2 and 3 has been held to be a mere design choice. However, no prior art is cited to support such a position. The only teaching regarding the imprinted indent is from Applicants' own teachings. To use Applicants' teachings against them in rejecting their claim appears to be hindsight.

Under 35 U.S.C. § 103(a), there must be motivation to make a change to the primary reference, and such motivation must stem from the primary reference or secondary references. No such motivation or secondary references has been provided.

There is also nothing in FR '950 that suggests providing any imprinted indentation in the cuff of the hose.

As French reference '950 fails to establish *prima facie* obviousness of the invention as

recited in claims 2 and 3, it is respectfully requested that the rejection be withdrawn.

Cited Prior Art

While not required to do so, Applicants have chosen to comment about the prior art made of record and not relied upon but considered pertinent to the Applicants disclosure.

Guertin, Huston et al., God, Sheridan et al. disclose corrugated hoses, however, the hoses fail to have an external reinforcing rod positioned externally to the outermost layer of the flexible hose material.

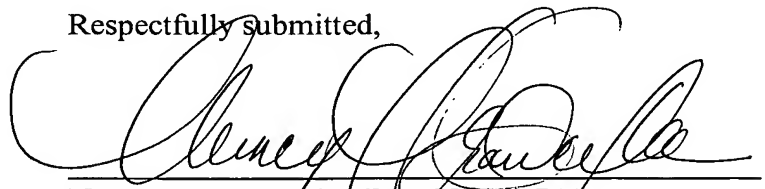
Takahashi et al shows a hose with an external spiral; however, Takahashi et al is silent about forming a non-reinforced cuff end. Akedo et al is similar; an externally reinforced hose is disclosed, but is silent about a smooth cuff end.

Van Der Hagen is similar to FR 1467950 in that any wound reinforcing rod is covered by an additional hose layer and is not an external component of the hose.

Swink et al discloses a metal pipe line, not a flexible hose designed for receiving hose fittings.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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